IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15738 of 2000

-

Between:

M. Nageswara Rao, S/o. M. Chantaiah,

R/o. Marteru Village, Penumantra Mandal,

West Godavari District.

….. PETITIONER

AND

-

1. District Collector, West Godavari District, Eluru.
2. Joint Collector, West Godavari District, Eluru.
3. Revenue Divisional Officer, Kovvuru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records from the first Respondent in CSI/7/Revision/2000, dated 16-06-2000 and quash the same as illegal and vitiated by the errors apparent on the face of the record and violative of principles of natural justice.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORAL ORDER:

Heard both sides.

The petitioner, who was a fair price shop dealer of Marteru Village, filed this writ petition inter alia seeking to assail the orders passed by the first respondent herein dismissing the revision petition and confirming the orders passed in appeal by the second respondent, cancelling the fair price shop licence of the petitioner.

The case of the petitioner is that a false case has been filed at the instance of one Gudimetla Vijaya Bhaskara Reddy who has enmity with the petitioner on a boundary dispute, as a counterblast to crime No.29 of 1999 on the file of Sub Inspector, Marteru Police Station. It is further alleged that the allegations sought to be made against him are false and concocted and as such they are liable to be set aside.

Having regard to the submissions made on either side and on perusal of the material on record, it is seen that all the three authorities have consistently refused to accept the defence put up by the petitioner herein and having given a finding that there are serious irregularities committed by the petitioner, passed the order of cancellation. Having regard to such finding of facts arrived at by the respondents, I do not find any merit to interdict the proceedings under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. No costs.

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B. Prakash Rao, J.

26th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. District Collector, West Godavari District, Eluru.
2. Joint Collector, West Godavari District, Eluru.
3. Revenue Divisional Officer, Kovvuru, West Godavari District.
4. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)
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